

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

05-1341
(Serial No. 09/166,779)

IN RE THOMAS G. WOOLSTON

Appeal from the United States Patent and Trademark Office,
Board of Patent Appeals and Interferences

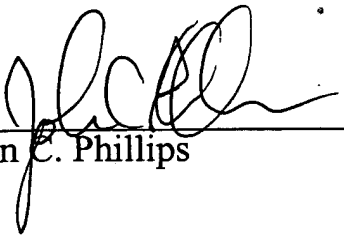
JOINT MOTION TO DISMISS

Appellant, Woolston, and appellee, the Director of the United States Patent and Trademark Office (USPTO), jointly move to dismiss this case. A proposed ORDER is attached.

After review of the case, the parties agree that the case would benefit from further prosecution before the examiner in view of additional evidence which has come to the attention of the parties during the pendency of this appeal.

A dismissal to permit further proceedings in the USPTO at this time would avoid the needless expenditure of additional resources of this Court, the appellant, and the USPTO. Hence, the parties respectfully request that this Court dismiss this appeal.

Respectfully submitted,


John C. Phillips

Fish & Richardson, PC
12390 El Camino Real
San Diego, CA 92130
858-678-5070

Attorney for the Appellant

July 8, 2005


John M. Whealan
Solicitor

Heather F. Auyang
Thomas W. Krause
Associate Solicitors

Office of the Solicitor
USPTO
P.O. Box 15667
Arlington, Virginia 22215
571-272-9035

*Attorneys for the Director of
the United States Patent and
Trademark Office*